

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>TONY LEE MITCHELL,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 11-0379-CG-N</b>
	)	<b>CRIMINAL NO. 09-00281-CG-N</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**JUDGMENT**

In accordance with the order entered on this date, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that the Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody filed in this case (Doc. 28, as amended by Doc. 74) be and the same hereby is **DENIED** because, as to the claims for ineffective-assistance-of-counsel (Grounds I, II, and IV), it has not been shown that the petitioner's rights were violated, and the non-ineffective-assistance-of-counsel claim (Ground III) is procedurally unavailable. Further, the petitioner is not entitled to a certificate of appealability and is therefore not entitled to appeal in forma pauperis. His motion for an evidentiary hearing (Doc. 35) is **DENIED**, the motion to compel summary action (Doc. 70) is **DENIED as MOOT**, and, only because the Magistrate Judge addressed the inapplicability of the petitioner's other motions (Docs. 71, 76), they are **GRANTED**.

**DONE and ORDERED** this 13th day of December, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE